<u>REMARKS/ARGUMENTS</u>

Favorable reconsideration of the present application in view of the above amendments and in light of the following discussion is respectfully requested.

Claims 1, 2, 4-14, and 16-20 are pending. Claims 1, 4, 5, 8-10, and 20 are currently amended. Claims 3 and 15 are canceled without prejudice or disclaimer. Support for the amendment of the claims can be found in original disclosure and the claims as previously presented. No new matter is introduced.

In the outstanding Office Action, Claims 1-4, 8-11 and 14-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Bean</u> (U.S. Patent No. 6,640,023) in view of <u>Asano</u> (U.S. 2004/0030902). Claims 5-7 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Bean</u> in view of <u>Asano</u> and <u>Xian</u> (U.S. Patent No. 6,327,584).

Amended Claim 1 recites an information processing apparatus that includes a memory means for separately storing functional generation information and application software. Amended Claim 1 clarifies that functional generation information includes: (1) a first URL that corresponds to an external location where an update to the functional generation information is registered, (2) a second URL that corresponds to an external location where an update to the application software is registered, and (3) a combination of cryptographic keys. Amended Claim 1 further clarifies that the second generation information is **registered at the first URL** in an information providing apparatus that is **remotely located from said information processing apparatus**. Moreover, amended Claim 1 recites application software updating means for **updating the application software stored in said memory means to application software located at the second URL of said second functional generation information**.

As described in the specification as originally filed, Applicants have recognized that an information processing apparatus as recited in Claim 1 presents several advantages over

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conventional arrangements. For example, it is possible to access the server via the network with the application using a functional generation as a combination of old cryptographic keys, functions, or protocols in the PC or the optical disk.[1] Therefore refusal of provision of the EMD service by the server is prevented.[2] Further, a provider of the optical disk does not need to update an old functional generation of the setup program recorded on the optical disk to a new functional generation at all times.[3] Therefore, an increase in cost is prevented.[4]

As stated in MPEP § 2143.03 "all words in a claim must be considered in judging the patentability of that claim against the prior art."[5] Further, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.[6] In view of these standards, Applicants respectfully traverse the rejection of Claim 1 as obvious in view of the cited references.

Bean describes a master key *stored on the site of a customer* that specifies one or more locations (URLs) *on this site* where licensed software is located.[7] The master key is generated by a registry 40 included on a *developers site* 32 (which differs from the customers site 38, see Figure 3).[8] Further, the master key includes a master key web URL 109 specified by the developer based on information provided by the customer.[9] The master key web URL 109 cannot be modified by the customer and all content files created using the creator application on the *customer's* computer will contain a content key which contains the master key web URL so that the player may determine if the content is authorized.[10]

Accordingly, the master key of Bean includes a master key web URL that serves as a identifying mark whenever the creator software creates content files. Further, the master key

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[1] See the published application at paragraph [0078].
[2] Id.
[3] Id.
[4] Id.
[5] Quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).
[6] *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).
[7] See Bean at the abstract and column 2, lines 38-59.
[8] See Bean at column 5, lines 15-21.
[9] See Bean at column 6, lines 42-55.
[10] Id., emphasis added.

includes a list of URLs that identifies locations on the customer's site where licensed software or content is located. In contrast, the functional generation information of Claim 1 includes (1) a first URL that corresponds to an external location where an update to the functional generation information is registered and (2) a second URL that corresponds to an external location where an update to the application software is registered.

With regard to (1), neither the master key web URL nor the list of URLs identifying the location of licensed (purchased) software is equivalent. The first URL corresponds to an **external location** where an **update to the functional generation** is registered. As neither of the URLs described by Bean relate to the *developer's* site where the master keys are generated, the master key described by Bean does not suggest or disclose (1) above.

With regard to (2), neither the master key web URL nor the list of URLs identifying the location of licensed (purchased) software is equivalent. The second URL corresponds to an **external location** where an **update to the application** software is registered. The Office Action asserts that the allowed URL 112 of Bean is equivalent to this feature. However, the allowed URL 112 refers to locations *on the customer's own site* where the licensed/purchased software resides. The *URL 112 does not refer to an external location or to an update.*

To further clarify this point, amended Claim 1 recites application software updating means for **updating the application software stored in said memory means to application software located at the second URL** of said second functional generation information. Bean is silent with regard to this feature. The allowed URL 112 of Bean merely point to the location on the customer's site where licensed software resides. Therefore, it is impossible to *update* software based on a URL that points to the location of *that exact same software.*

Moreover, Bean is silent with regard to comparing the first and second functional generation information to determine which is newest. This omission is acknowledged by the Office Action, which applies Asano to cure this deficiency. However, the apparatus of Bean

has no use for comparing the first and second functional generation information as construed

by the Office Action.

The Office Action asserts that the second functional generation information is a new

second master key which includes additional allowed URLs.[11] Discussed above, the second

master key is not equivalent to the second functional generation information **registered at**

the first URL. Further, as defined by the Office Action, this new second master key would

always be the newer than the first master key and therefore there is no apparent reason to

combine the teachings of Asano with Bean. Moreover, the Office Action's interpretation of

the relationship between the "first" and "second" master keys further illustrates that the

master key of Bean is directed toward an entirely different function and purpose than that of

amended Claim 1.

For the multiple reasons discussed above, Bean does not suggest or disclose all of the

features of amended Claim 1. Moreover, there is no motivation or suggestion to combine the

teachings Bean with those of Asano.

Asano and Xian were applied by the Office Action for features other than the recited

functional generation information discussed above. Moreover, Asano and Xian fails to cure

the deficiencies of Bean.

Accordingly, even the combined teachings of Bean, Asano, and Xian do not disclose

or suggest all the features of amended Claim 1. It is submitted that amended Claim 1 is in

condition for allowance.

Although drawn to different statutory subject matter classifications, amended

independent Claims 8-10 and 20 recite features that are substantially similar to that of

amended independent Claim 1. Therefore for substantially the same the reasons stated above

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[11] See the Office Action at page 4, first full paragraph.

for Claim 1, amended Claims 8-10 and Claim 20 are believed to be in condition for allowance.
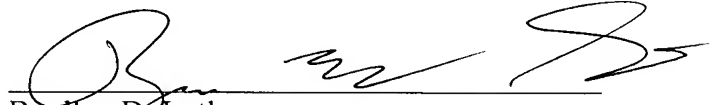
The dependent claims are respectfully submitted to be in condition for allowance for at least the same reasons as the independent claims from which they depend. Moreover, the dependent claims recite additional information not suggested or disclosed by the cited references.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1, 2, 4-14, and 16-20 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

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